

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERRY RIVERS,

Civil Action No. 7:21-cv-9601

Plaintiff,

- against -

NOTICE OF REMOVAL

H.O. WOLDING, INC.

Defendant.

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TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that the defendant, H.O. Wolding, Inc., hereby serves this Notice of Removal of Index No. 159697/2021 currently pending in the Supreme Court of the State of New York, County of New York, which is described below, under 28 U.S.C. §§ 1332, 1441, and 1446.

1. On or about October 26, 2021, Plaintiff Terry Rivers commenced an action by purchasing an Index Number in the Office of the County Clerk, County of New York in the State of New York. The action is entitled *Terry Rivers v. H.O. Wolding, Inc.* A copy of the Complaint is annexed as Exhibit "A", along with the Summons. A copy of the Electronic Filing docket sheet showing all filings in this matter in New York Supreme Court is annexed as Exhibit "B."

2. This removal is timely. Process in New York County Supreme Court Index No. 159697/2021 was served on the defendant November 5, 2021. True copies of the affidavits that have been filed under this Index No. are annexed as Exhibit "C."

3. There is complete diversity of citizenship between the parties pursuant to 28 U.S.C. §1332. Plaintiff is a an individual and citizen of the State of New York. *See Compl. ¶ 1.* Defendant H.O. Wolding Inc. is a Wisconsin corporation with its principal place of business located in Amherst, Wisconsin.

4. Upon information and belief, the plaintiff will demand judgment against the defendant in an amount that exceeds \$75,000 exclusive of interest and costs, since he claims to have sustained, serious injury as defined in §5102(d) of the Insurance Law and severe personal and permanent personal injuries. *See* Compl. ¶ 23 and ¶27.

5. The United States District Court for the Southern District of New York is the federal judicial district encompassing the County of New York, In the state of New York where suit was originally filed. *See* 28 U.S.C. § 1441(a).

6. The \$402 filing fee and Civil Cover Sheet accompany this Notice.

7. Defendant is filing this day a copy of the Notice of Removal to the Supreme Court of the State of New York, County of New York, and sending a copy of the Notice of Removal to Plaintiff's counsel. Accompanying this Notice is a copy of an Attorney Certification that the undersigned has provided to all other parties in the action with the Notice of Removal and attachments. *See* L.R. 81.

8. Because Plaintiff and Defendant H.O Wolding Inc. are citizens of different states, and the amount in controversy plausibly exceeds \$75,000 exclusive of interest and costs, this Court has original jurisdiction over this lawsuit under 28 U.S.C. § 1332(a)(1). Defendant is therefore entitled to remove this case to this Court pursuant to 28 U.S.C. § 1441(a) and (b).

WHEREFORE, Defendant removes this action now pending before the Supreme Court of the State of New York, County of New York, to this Court.

Dated: November 19, 2021

RYAN SMITH & CARBINE, P.C.

By: /s/ Edward D. Laird, Jr.

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